

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- January 17, 1973

Application No. 11289 - Thomas J. Campbell, applicant

On motion duly made, seconded and carried by a vote of 4-0, (Lilla Burt Cummings not having heard the case), the following Order of the Board was entered at the meeting of May 22, 1973.

ORDERED: EFFECTIVE DATE OF ORDER -- JUN 26 1973

That the application for a variance to convert a private garage into an art studio and add a second story to same exceeding 15 feet at 139 C Street, S.E., be, CONDITIONALLY GRANTED.

FINDINGS OF FACT:

1. The subject property is located in an R-4 District.
2. The property is improved by a residential dwelling with a 1-story garage to the rear.
3. Applicant will convert the garage into an art studio by adding a second story.
4. The studio will be for the personal use of the applicant.
5. Applicant has no room in which to establish a studio except by an addition to the garage.
6. No opposition was registered; whereas, the file does contain local support for the application.

OPINION:

The Board concludes that the proposed second story addition to the garage should be granted.

We are of the opinion that the applicant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

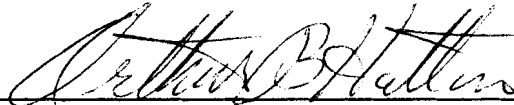
This approval shall be subject to the following conditions:

1. The height of this structure shall be limited to fifteen (15) feet.
2. There shall be no kitchen or bath facilities, but running water and sink may be provided.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____



ARTHUR B. HATTON
Acting Secretary

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D. C.

Application No. 11289, of Thomas J. Campbell, pursuant to Section 8207.1 of the Zoning Regulations, for a variance to convert a private garage into an art studio and add a second story addition to same as an accessory use in the R-4 Zone at 739 C Street, S. E., Lot 32, Square 733.

HEARING DATE: April 17, 1974

EXECUTIVE SESSION: August 27, 1974

PROCEDURAL POSTURE:

a. The Board granted the requested variance on May 22, 1973.

b. The applicant was directed to appear before the Board at public hearing, April 17, 1974, after the Board received a complaint that he was in violation of the Board's original Order No. 11289.

c. The Board ordered the applicant to submit new plans and an affidavit supporting the fact that he resides in the principle building located at 139 C Street, S. E.

FINDINGS OF FACT:

a. Findings of Fact 1 through 6 in BZA Order No. 11289 are incorporated by reference in this Order.

7. The Board finds that the applicant resides at the principle dwelling, located on the subject property and that the proposed addition will be used as an accessory structure.

8. The Board finds that the proposed addition can be constructed to a height of 15 feet and conform to the District of Columbia Housing Regulations.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board concludes that the applicant has shown a practical difficulty within the meaning of Section 8207.11 of the regulations, and that the granting of the requested relief will not be detrimental

to the public good or impair the intent, purpose, and integrity of the zone plan as embodied by the Zoning Regulations and Map.

ORDERED: That the above application be granted with the following conditions:

1. The height of the addition shall not exceed 15 feet in height.
2. There shall be no kitchen, toilet or bath facilities provided in the accessory building, but running water and sink may be provided.
3. That the addition be constructed according to the Exhibit Plan B.

VOTE: 5-0

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: James E. Miller
JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: SEP 03 1974